

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RALPH SMITH, et al.,)	
)	
Plaintiffs,)	
)	2:17-cv-00911
v.)	
)	
ALLEGHENY TECHNOLOGIES, INC., et)	
al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This action asserted claims under the federal Fair Labor Standards Act, and under parallel provisions of Oregon and Pennsylvania state law. Jurisdiction as to such state law claims was invoked pursuant to the supplemental jurisdiction provisions of 18 U.S.C. § 1367. ECF 1 at 2, at ¶ 2. By Order, this Court dismissed this civil action in its entirety. ECF No. 63. On appeal, our Court of Appeals affirmed the dismissal of the federal and Oregon state law claims, but vacated the dismissal of the claims under Pennsylvania law, and remanded the action to this Court for further proceedings. ECF No. 68. In its Opinion, the court of appeals left it to this Court to determine whether to exercise supplemental jurisdiction over the remaining Pennsylvania law claim. ECF No. 68-1 at 10.

The statutory provision establishing this Court's supplemental jurisdiction, 28 U.S.C. § 1367, provides in relevant part that a district court may decline to exercise supplemental jurisdiction over a claim if the claims over which the Court had original jurisdiction have been dismissed. 28 U.S.C. § 1367 (c)(3). As our Court of Appeals noted in its Opinion and Judgment, that is the state of affairs here. In light of the fact that the only proceedings so far in this action related to the litigation of the motions to dismiss, and appellate proceedings regarding the same,

and no other pretrial or discovery proceedings have occurred, and in light of the fact that all federal claims have now been dismissed, this Court declines to exercise supplemental jurisdiction over the remaining Pennsylvania state law claim, and this action is therefore dismissed forthwith and without prejudice for want of federal jurisdiction, pursuant to 28 U.S.C. § 1367 (c)(3). *See also* 42 Pa. C.S.A. § 5103(b).

The Clerk shall close this case on the docket.

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', with a long horizontal line extending from the end of the signature.

Mark R. Hornak
Chief United States District Judge

Dated: January 16, 2019

cc: All counsel of record